Gouvernement du Canada | Government of Canada

2017-2018

EARLY ENGAGEMENT SESSIONS: INDIGENOUS LANGUAGES LEGISLATION

Summary of Findings

Canada

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Cat. No. CH14-40/2018E-PDF
ISBN 978-0-660-26204-8

CONTEXT

The mandate letter addressed to Minister Joly in 2015 by the Right Honourable Justin P.J. Trudeau states that "no relationship is more important [...] than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership". Minister Joly was also tasked to work in collaboration with the Minister of Indigenous and Northern Affairs at the time on preserving, promoting and enhancing Indigenous languages and cultures.

On December 6, 2016, the Right Honourable Justin P.J. Trudeau announced the Government of Canada's commitment to enact an Indigenous Languages Act, co-developed with Indigenous Peoples, with the goal of ensuring the preservation, promotion and revitalization of First Nation, Inuit and Métis languages. Minister Joly was tasked with leading this work on behalf of the Government of Canada.

Budget 2017 proposed a total investment of $89.9 million over the following three years in support of Indigenous languages and cultures, consisting of:

- $69 million for the Aboriginal Language Initiative to support a broad range of community language projects;
- $14.9 million for Library and Archives Canada for digitization of existing Indigenous language and cultural materials, and the development of an Aboriginal Oral Testimonies Project to document Indigenous heritage; and
- $6 million for the National Research Council to develop information technology aimed at preserving Indigenous oral histories and interactive materials.

On June 15, 2017, the Honourable Mélanie Joly, Minister of Canadian Heritage; Clément Chartier, President of the Métis Nation; Natan Obed, President of Inuit Tapiriit Kanatami and National Chief Perry Bellegarde of the Assembly of First Nations, launched the co-development of Indigenous languages legislation and agreed on a collaborative engagement process whereby Canadian Heritage and the three National Indigenous Organizations would engage Indigenous language specialists, language keepers and experts to begin thinking through what should be considered in the legislation.

Following the June 15, 2017 agreement, the Department of Canadian Heritage compiled a list of Indigenous language experts and organizations. Based on this list and on the location of potential participants, Canadian Heritage conducted 20 *Early Engagement* sessions with First Nation, Inuit and Métis language practitioners and experts in Canada (Annex A - List of Early Engagement Sessions). Early Engagement sessions conducted by Canadian Heritage were led almost exclusively by the Minister of Canadian Heritage, Mélanie Joly and/or, the Parliamentary Secretary to the Minister of Canadian Heritage, Arif Virani.

The overarching themes that guided the sessions included how best to preserve, promote and revitalize Indigenous languages and to address the Truth and Reconciliation Commission's Calls to Action 13, 14 and 15 that deal largely with acknowledgement of rights, federal funding and the appointment of an Indigenous languages commissioner. The sessions also provided participants with the opportunity to share lessons learned, discuss best practices and models of learning, and highlight successes and challenges with federal programs. Open discussion created a platform for participants to speak freely and candidly about both the importance of creating Indigenous languages legislation and their potential concerns.

Truth and Reconciliation Commission of Canada: Calls to Action

Language and culture

13. We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.
14. We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:
    i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
    ii. Aboriginal language rights are reinforced by the Treaties.
    iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
    iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
    v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.
15. We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives.

(Truth and reconciliation Commission of Canada 2015. 2)

APPROACH

Prior to each Early Engagement session, participants were provided with an overview and with topics to guide the discussion (Annex B). These materials elicited feedback on:

- the current state of Indigenous languages
- Indigenous worldviews and the connection to Indigenous languages
- Indigenous languages as a right
- Indigenous control
- the role of supporting entities
- the role of commissioner(s)
- what the proposed legislation should do
- the importance of adequate and sustained funding/programming
- metrics
- modes of preserving Indigenous languages
- the role of technology

Among the noteworthy sentiments drawn from the sessions (highlighted by a majority of participants) was emphatic support for the creation of the legislation, concern that "time is of the essence", given the aging population of many of the knowledge and language keepers, and a recommendation that further engagement with a broader range of Indigenous Peoples must occur.

WHAT WE HEARD

PARTICIPANTS WERE GENEROUS WITH THEIR INPUT. SOME FEEDBACK WAS CONSISTENT ACROSS FIRST NATION, INUIT AND MÉTIS EARLY ENGAGEMENT SESSIONS, WHILE OTHER FEEDBACK WAS SPECIFIC AND UNIQUE TO A REGION OR INDIGENOUS GROUP. THE FOLLOWING IS A SUMMARY OF WHAT WAS COMMONLY HEARD ACROSS SESSIONS. SPECIFIC COMMENTS OR EXAMPLES HAVE BEEN INCLUDED TO ADD CLARITY.

THE CURRENT STATE OF INDIGENOUS LANGUAGES

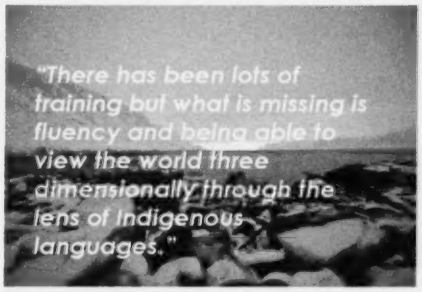
Participants indicated that Indigenous languages are at a critical point of vitality (language vitality was interpreted to mean the extent to which a language is used as a means of communications in multiple settings including in and outside the home) and encouraged the Government of Canada to act now in order to preserve, promote and revitalize Indigenous languages through legislation. Discussions related to vitality included the theme of comparison - the variation in the states of vitality between different Indigenous languages.

Participants spoke about the intergenerational impacts and related gaps that exist between generations of Indigenous Peoples. This point was illustrated by examples of parents having to translate between grandparents and grandchildren.

Participants also indicated the need for the legislation to be reflective of geographic and situational circumstances. This was of particular importance for Inuit peoples, given their specific demographic and jurisdictional realities. Nunavut, for example, where the majority of inhabitants are speakers of Inuit languages, has territorial legislation in which Inuit languages are designated official languages.

INDIGENOUS WORLDVIEWS AND THE CONNECTION TO INDIGENOUS LANGUAGES

Participants indicated that Indigenous worldviews encompass land, knowledge, and relationships with all living things and that these elements shape the constructs of Indigenous languages at a foundational level. Hence, the legislation must respect and acknowledge the interconnected relationship between Indigenous worldviews and languages.


"There has been lots of training but what is missing is fluency and being able to view the world three dimensionally through the lens of Indigenous languages."

The connection between the land and Indigenous languages surfaced as an underlying theme in many other discussions, including discussions about learning environments. Land-based language training was cited as an important learning activity where language and Indigenous worldview interconnect.

All across Canada, we heard that culture and language combine to form the foundation of Indigenous identities, philosophies and worldviews. Consequently, preservation, promotion and revitalization, efforts must appropriately consider these components within a legislative framework

INDIGENOUS LANGUAGES AS A RIGHT

Participants overwhelmingly indicated that Indigenous languages are an Indigenous right and many made direct references to Aboriginal and Treaty rights as set out in Section 35 of the *Constitution Act 1982 (Constitution Act, 1982, s 35)*, adding that all Indigenous Peoples regardless of where they reside have a right to have their languages accessible, preserved, and acknowledged.

References were made to supporting the implementation of the United Nations Declaration on the Rights of Indigenous People, Treaties, and the Nation to Nation/Government to Government/Inuit-Crown relationship between Canada and Indigenous Peoples as well as the importance of the findings, recommendations in the findings and reports of the Royal Commission on Aboriginal Peoples and the Task Force on Aboriginal Languages and Cultures, and the Calls to Action of the Truth and Reconciliation Commission.

INDIGENOUS CONTROL

Participants stated that successfully preserving, promoting and revitalizing and Indigenous languages would only be possible if communities and Indigenous Peoples were involved. Community and Indigenous Peoples' involvement included decision-making and control - particularly concerning the management of existing languages institutions that might be enhanced and/or new institutions that may be created through the legislation (non-political, Indigenous-led institutions). Control was also seen as the ability of Indigenous Peoples to control and access language data.

THE ROLE OF SUPPORTING ENTITIES

As noted, participants were fairly unanimous in their view that any entity(ies) created needed to be directed and governed by Indigenous Peoples and take into account and equitably treat Indigenous languages on a distinctions basis (First Nation languages, Inuit languages and Métis languages). It was also noted that any national or regional institutions would need to support local entities. There was less consistency on the specific role of a possible national entity and/or regional entities. A common perspective was that the governance of any such entity or entities needed to be less bureaucratic than government bodies and should support all forms of Indigenous communities, including those in urban settings.

THE ROLE OF COMMISSIONER(S)

There was consensus that one commissioner representing all three distinction-based language groups would not be adequate. However, there was a variance in perspective as to how many commissioners there should be. Some participants indicated a need for each distinct language group to be represented (one commissioner for First Nation languages, one for Inuit languages, and one for Métis languages), while others stated that this was not adequate and preferred a model that had regional Indigenous languages commissioners.

Participants also indicated the need to recognize, but not to duplicate existing commissions like those in the Northwest Territories and Nunavut. It was also noted that the language commissioners in the North have experienced challenges based on the vast territory they cover.

It was felt that commissioner(s) need to be more than symbolic and need to have the ability to enforce and support the preservation, promotion and revitalization of Indigenous languages. Some of the roles and responsibilities participants envisioned the commissioner(s) would have included:

- to hold the government (Canada) to account for obligations and commitments in the legislation;
- to serve as a liaison and facilitator between federal and provincial governments;
- to work with and be accountable to Indigenous communities to advance Indigenous languages;
- to work with all Canadians to advance reconciliation;
- to uphold and support the implementation of Indigenous language legislation; and
- to understand the diversity and vitality of Indigenous languages and to advocate for measures that are adaptable to the needs of each community.

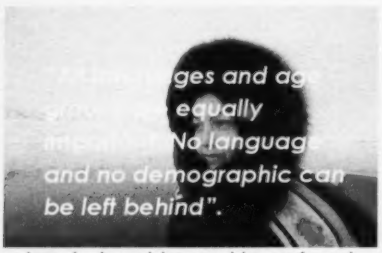
WHAT THE PROPOSED LEGISLATION SHOULD DO

As previously stated, support for the legislation was high. Participants indicated that legislation should be the means for a resurgence of Indigenous languages and would need to be developed with current and future generations of Indigenous Peoples in mind. There was an emphasis on ensuring that Indigenous languages programming be adequately funded and that adequate and sustained funding be part of the objectives of the legislation (this is further detailed in the next section).

The importance of capacity was highlighted, particularly in regard to the provision of services in Indigenous languages. This was a significant issue with Inuit participants and extends beyond areas such as Nunavut where territorial legislation has designated Inuktitut as an official language. A number of participants recommended that examples of best practices from other countries with similar objectives be considered in terms of how the legislation could shape the policy framework for increasing use of Indigenous languages in service delivery by government and by others.

Participants also stated a desire for the legislation to acknowledge past harms of government policies related to Indigenous languages and cultures, including the intergenerational impact of residential schools that was stated as one of the causes of Indigenous Peoples' trauma and erosion of language. It was also indicated that legislation must have the flexibility to allow Indigenous communities and regions autonomy in design and delivery - to account for, and be adapted to, situational contexts as well as the varying states of language vitality.

THE IMPORTANCE OF ADEQUATE AND SUSTAINED FUNDING/PROGRAMMING



Participants were in agreement that funding and programs to support Indigenous language preservation, promotion and revitalization will need to be adequate, appropriate and sustained, with levels of funding appropriate to local, regional and national circumstances, needs-based, and sustained over the long term.

Throughout the sessions there were many ideas put forth regarding methods to increase Indigenous language levels such as: immersion programs and schools, land-based learning, language nests, employee language training, training for language teachers, and monetary incentives. The myriad of preservation, promotion and revitalization methods for Indigenous languages across communities and regions means that funding needs to be flexible to allow for the varied methods and approaches. Programming also has to be inclusive of all Indigenous Peoples, including those with special needs and those with disabilities.

In addition, there was a great deal of discussion related to existing programs and the challenges with the current Indigenous language programming. Participants indicated that current programming requirements can be quite onerous, bureaucratic, uncertain (annual, project-based) and funds and/or approvals related to the programs were slow. Programs do not seem to fit community needs and are neither flexible nor designed and delivered to suit needs. An Indigenized approach that encompasses community needs and program sustainability was recommended.

METRICS

What constitutes successful implementation of the legislation and how that success should be measured was raised consistently during the sessions. Success was seen as the ability to increase Indigenous language fluency amongst Indigenous Peoples. This spurred conversations on how fluency could be defined and how standards could be put in place. Although there was no single approach that emerged, one common stream was that fluency and the creation of standards should be overseen by Indigenous language experts (and those experts could be practitioners, elders, knowledge keepers, etc. or a combination of these people). Some references were made to increasing Indigenous language fluency among non-Indigenous Peoples, but while this was desirable as a longer term objective, it was not seen as a critical and immediate need.

Ultimately, success was viewed as an annually increasing and sustained number of Indigenous children, youth, adults and Elders being fluent Indigenous language speakers. Suggestions included measuring graduation rates for individuals who participate in language programs. It was also mentioned that metrics of success need to vary because communities need to decide what success will look like.

MODES OF PRESERVING INDIGENOUS LANGUAGES

Participants noted that there is great diversity in how Indigenous languages are taught, many of which have been noted throughout this document. What was made clear was that there is no single method that will suit every circumstance and that each circumstance needs to be assessed from the perspective of who is being taught, their age, the vitality of the language in the region, the location, and the available resources, including books and technology, etc. There was great deal of discussion related to the importance of on-going maintenance of languages once they had been acquired that emphasized how critical it was for people to be able to speak to their languages with others outside of the place they learned it - at home, in social settings, reading or hearing it in media, etc. Many communities have developed best practices which could inspire other communities across the country.

THE ROLE OF TECHNOLOGY

Technology was seen as a vehicle that can provide access to a large number and varied demographic of Indigenous People for learning purposes. Participants stated that, as Indigenous Peoples have greater access to technology, the methods of training and pedagogy need to be adapted. In addition, as more young people are drawn to technological devices, language resources can reach more young people. It was very clear, though, that learning Indigenous languages through technology is missing Indigenous worldviews. Furthermore, technology may be challenging for northern and remote locations with limited to no connectivity.

CONCLUSION

The feedback summarized in this document is similar to what was shared in the National Indigenous Organizations' engagement sessions.

The Early Engagement sessions provided a broad cross-section of views and positions related to what should be considered within Indigenous language legislation. Participants indicated that legislation is overdue and there is an urgency to have it in place in order to continue and to bolster efforts already underway in many Indigenous communities to preserve, promote and revitalize Indigenous languages. It was also clear that the Early Engagement was a good start, but that further engagement with a broader audience was needed.

As well, Minister Joly will continue her dialogue on Indigenous languages legislation with her counterparts in the provinces and territories.

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LIST OF EARLY ENGAGEMENT SESSIONS

Canadian Heritage has attended two community-based language programming activities and has conducted a total of 20 Early Engagement sessions with a variety of Indigenous languages practitioners and experts in different parts of the country. These sessions have included First Nation, Inuit and Métis representatives from Manitoba, Saskatchewan, Alberta, British Columbia, Nova Scotia, Newfoundland and Labrador, New Brunswick, Ontario, Northwest Territories, Yukon and Quebec. The following list includes specific cities and dates which the Early Engagement Sessions.

1. MB – Winnipeg, Louis-Riel Institute, August 14, 2017
2. MB – Winnipeg, Manitoba Indigenous Cultural Education Center, August 15, 2017
3. MB – Winnipeg, Winnipeg Art Gallery, August 15, 2017
4. SK – Saskatoon, Gabriel Dumont Institute, August 15, 2017
5. SK – Saskatoon, Saskatoon Indigenous Cultural Centre, August 16, 2017
6. AB – Calgary, Tsuut'ina Nation, September 5, 2017
7. AB – Edmonton, Métis Nation of Alberta, September 8, 2017
8. BC – Vancouver, Skwachàys Lodge, October 6, 2017
9. NS – Halifax, Nova Scotia College of Arts and Design, October 10, 2017
10. ON – Oneida, Oneida Language & Cultural Centre, October 13, 2017
11. ON – Ottawa, First Nations Confederacy of Cultural Education Centres - AGA, November 7, 2017
12. ON – Thunder Bay, Wequedong Lodge, November 16, 2017
13. ON – Kenora, Kiizhik School, November 17, 2017
14. MB – Winnipeg, Wii Chiiwaakanak, November 17, 2017
15. NWT – Yellowknife, Tree of Peace Friendship Center, January 23, 2018
16. YK – Whitehorse, Council of Yukon First Nations, January 24, 2018
17. AB – Maskwacis, Maskwacis Cultural College, January 25, 2018
18. MB – Winnipeg, Prime Minister's Youth Council, January 30, 2018
19. QC – Montreal, Avataq Cultural Institute, February 9, 2018
20. QC – Montreal, Ashukan Cultural Center, February 9, 2018

EARLY ENGAGEMENT ON INDIGENOUS LANGUAGES - OVERVIEW

On December 6, 2016, Prime Minister Trudeau announced that Canada will be co-developing an Indigenous Languages Act to preserve, protect and revitalize Indigenous languages with Indigenous Peoples.

As jointly announced on June 15th, the Department of Canadian Heritage along with our partners (Assembly of First Nations, Inuit Tapiriit Kanatami and Métis National Council) will be holding engagement events throughout the next several months. As an early step in this process, the Parliamentary Secretary to the Minister of Canadian Heritage, Arif Virani, will be participating in meetings with various Indigenous languages practitioners, experts and community members. These outreach meetings will explore subject matters related to Indigenous languages and inform future stages of engagement.

The following themes are intended to guide discussions on Indigenous languages legislation.

- Best means to address:
  - Preservation
  - Revitalization
  - Promotion

- Best ways to address the Truth and Reconciliation Commission's Calls to Action.
  - Call 13 related to rights recognition
  - Call 14 with aspects of federal funding and management by Indigenous people and communities
  - Call 15 on appointment of an Indigenous languages commissioner

- Type of protections for Indigenous languages.

- Stable and predictable financial and other program supports for Indigenous languages.

- Establishment of a National Indigenous languages foundation(s) or funding institution(s).

- Roles and responsibilities of language commissioner(s).

- Best learning approaches for youth (under 30), and adults (over 30).

- The role of technology in Indigenous language initiatives.